

Town of Northumberland

LOCAL LAW 3 OF 2010

DOG CONTROL LAW

Purpose

The Town of Northumberland finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to person, damage to property and have created nuisances within the town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large dogs within the Town. The purpose of this Local Law is also to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

Authority

This Local Law is enacted pursuant to the provisions of (Article 7, Chapter 59, Part T) of the Agriculture and Markets Law and the Municipal Home Rule law of the State of New York.

Title

The title of this Local Law shall be "Dog Control Law" of the Town of Northumberland.

Definition of Terms

As used in this Local Law the following words shall have the following respective meanings:

- (a) "Dog" means male and female, licensed and unlicensed, members of the specis canis Famillaris.
- (b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held and deemed to be the owner of any dog found in violation of this chapter.
- (c) "Run at Large" means to be in a public place or on private land without knowledge, consent and approval of the owner of such lands.

- (d) "Town" means the Town of Northumberland
- (e) "Agriculture and Markets Law". All references in this Local Law to Section 106 through 124 of the Agriculture and Markets Law are to those provisions as they were amended and became effective on January 1, 2011.

Restrictions

It shall be unlawful for any owner in the Town to permit or allow such a dog to:

- (a) Run at large. All dogs must be restrained by adequate collar and leash or fenced by visible or invisible fence at the premises of the owner of such dog. A dog or dogs hunting in the company of a hunter or hunters does not constitute running at large.
- (b) Engage in habitual and loud howling , barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- (c) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such a dog. Uproot , dig, or otherwise damage any vegetables, lawns, flowers, gardens beds, or other property without the consent or approval of the owner of said premises.
- (d) Chase, jump upon or at otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehensive of bodily harm.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

Licensing of Dogs

- (a) All dogs in the Town of Northumberland 4 months of age or older, unless otherwise exempted shall be licensed with the Town Clerk. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog license together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Northumberland. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.
- (b) Fees for licensing of dogs. The fee for a spayed or neutered dog will be six (\$6.00) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be thirteen dollars (\$13.00), which includes a three dollar (\$3.00) surcharge for the purpose of carrying out animal population control.
- (c) Purebred License: The Town of Northumberland will not be issuing Purebred or Kennel licenses. All dogs will be licensed individually as per fee system stated above.
A license for any guide dog, service dog, hearing dog, detection dog, war dog, working

- dog, police dog and therapy dog is required, but no license fee shall be charged. The Town Board may, by resolution, change any of the foregoing fees if deemed necessary.
- (d) The Town of Northumberland shall contract with an animal shelter to license dogs adopted by the residents of the Town of Northumberland.
 - (e) All dog licenses may be purchased and obtained by visiting the office of the Town Clerk or by regular mail. When licensing or renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.
 - (f) Fees for Seizure of dogs. The fee for seizure and impoundment of dogs in violation of this law or laws of the New York State Department of Agriculture and Markets Law shall be as set forth in Section 118 of the Agriculture and markets Law.

Seizure of Dogs at Large

Any dogs found to be running at large in violation of this Local Law or section 117 of the Agriculture and Markets law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner, adopted or disposed of and provided by Section 117 of the Agriculture and Markets Law.

Duties of Dog Control Officer

A Dog Control Officer designated by the Town Board, as provided by section 114 of the Agriculture and Market Law, may enforce the provisions of this Chapter and may also investigate and report to the Town Justice any dangerous dog, as described in Section 121 of the agriculture and Markets Law, and see that the order or orders of the Town Justice in such case are carried out.

Filing of Complaints

Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner or otherwise violating this local law may file a signed complaint, under oath, with a town Justice of the Town of Northumberland specifying the objectionable conduct of the dog, the date therefore, the damage caused, a description of the dog and name and residents, if known, of the owner or other harboring said dog.

Summons

Upon receipt by the Town Justice of any complaint against the conduct of any particular dog, the Town Justice may summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice may permit the filing of any information and issue a warrant for the arrest of such person.

Penalties for Offenses

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Period for Impoundment

Dogs impounded under the provisions of Section 117 of the Agriculture and Markets Law or this Local Law shall be held in accordance with the provisions of section 117 of the Agriculture and Markets Law.

Severability

Should any section or provisions of this Local Law be deemed to be unconstitutional or invalid by a Court of law, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Repealer

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the town of Northumberland and they shall be upon the effectiveness of this Local law, null and void.

Effective date

This Local Law shall become effective upon filing with the Secretary of State.

